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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,142	10/28/2003	Jerome Kurtzberg	YOR920030568US1	6446

7590 04/20/2006

Stephen C. Kaufman
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EXAMINER

ADAMS, CHARLES D

ART UNIT PAPER NUMBER

2164

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,142

Applicant(s)

KURTZBERG ET AL.

Examiner

Charles D. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-10 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 10695143 in view of Seibel (US Patent 6,484,092).

Application No. 10695143 teaches a computer method comprising the steps of:

a requirements database comprising a compendium of office requirements history.

an office database comprising a compendium of at least one of office layout solutions, office information, and office diagnostics; and

employing an adaptive analysis technique for interrogating said requirements and office databases for generating an output data stream, said output data stream correlating office requirements with office layout solutions.

Seibel teaches a computer method comprising the steps of:

a travel database comprising a compendium of individual travel history (see 4:31-42);

a road database comprising a compendium of at least one of road location solution, road information, and road diagnostics (see 3:1-11); and

employing an adaptive analysis technique for interrogating said travel and road databases for generating an output data stream, said output data stream correlating travel history with road location solution (see 4:21-30, 4:59-67, and 6:34-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Application No. 10695143 in view of Seibel, since Seibel teaches that "what is needed is a navigation method and system that incorporates various kinds of dynamic information in determining a route" (see 1:38-40). One of ordinary skill in the art would have recognized the potential benefit of employing an adaptive analysis technique to different data and different types of databases.

This is a provisional obviousness-type double patenting rejection.

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Seibel (US Patent 6,484,092).

As to claim 1, Seibel teaches a computer method comprising the steps of:

- i) providing a travel database comprising a compendium of individual travel history (see 4:31-42);
- ii) providing a road database comprising a compendium of at least one of road location solution, road information, and road diagnostics (see 3:1-11); and
- iii) employing an adaptive analysis technique for interrogating said travel and road databases for generating an output data stream, said output data stream correlating travel history with road location solution (see 4:21-30, 4:59-67, and 6:34-43).

As to claim 2, Seibel teaches comprising a step of updating the travel database (4:21-31).

As to claim 3, Seibel teaches comprising a step of updating the travel database so that it includes the results of employing an adaptive analysis technique. (see 4:21-30).

As to claim 4, Seibel teaches comprising a step of updating the road database (see 3:32-42).

As to claim 5, Seibel teaches comprising a step of updating the road database so that it includes the effects of employing an adaptive analysis technique on the travel database (see 4:21-30).

As to claim 6, Seibel teaches comprising a step of refining the employed adaptive analysis technique in cognizance of pattern changes embedded in each database as a consequence of updating the travel database (see 4:23-30).

As to claim 7, Seibel teaches comprising a step of refining the employed adaptive analysis technique in cognizance of pattern changes embedded in each database as a consequence of updating the road database (see 4:23-30).

As to claim 8, Seibel teaches comprising a step of employing a neural network as the adaptive analysis technique (see 4:23-30).

As to claim 9, Seibel teaches:

- i) providing a travel database comprising a compendium of individual travel history (see 4:31-42);
- ii) providing a road database comprising a compendium of at least one of road layout solution, road information, and road diagnostics (see 3:1-11).

And

- iii) employing an adaptive analysis technique for interrogating said travel and road databases for generating an output data stream, said output data stream correlating travel history with road location solution (see 4:21-30, 4:59-67 and 6:34-43).

As to claim 10, Seibel teaches:

- i) means for inputting a travel database comprising a compendium of individual travel history (see 4:31-42);
 - ii) means for inputting a road database comprising a compendium of at least one of road management solution, road information, and road diagnostics (see 3:1-11);
 - iii) means for employing an adaptive analysis technique for interrogating said travel and road databases (see 4:21-30 and 6:34-43);
- and
- iv) means for generating an output data stream, said output data stream correlating travel history with road location solution (see 2:40-43 and 4:59-67).

Conclusion

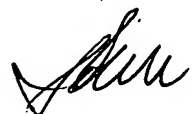
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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Adams whose telephone number is (571) 272-3938. The examiner can normally be reached on 8:30 AM - 5:00 PM, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Adams
Art Unit 2164


SAM RIMELL
PRIMARY EXAMINER